



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B(HONS) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (IX) – ACADEMIC YEAR 2024-25**

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
	<b>BL906.6</b>	<b>INTERPRETATION OF CONSTITUTIONAL PRINCIPLES</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>	<b>1 PER WEEK</b>	<b>4</b>	

**A. CODE AND TITLE OF THE COURSE: BL 906.6 CN SP-VI,**

**INTERPRETATION OF CONSTITUTIONAL PRINCIPLES**

**B. COURSE CREDIT: 04 (TOTAL MARKS 200)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: DR. HIMANGSHU RANJAN NATH**

**E. COURSE INSTRUCTOR: DR. HIMANGSHU RANJAN NATH**

## **1. COURSE OBJECTIVES**

The letters of a constitution is fairly static and not very easy to change. However, the laws enacted by the legislature must reflect the current wish of people and have to be very dynamic. To ensure that the post and pre constitution laws are consistent with its basic tenets, the constitution must be interpreted in a broad and liberal manner giving effect to all its parts and the presumption must be that no conflict or repugnancy was intended by its framers. Applying the same logic, the provisions relating to fundamental rights have also been interpreted broadly and liberally. Similarly, various legislative entries mentioned in the Union, State, and Concurrent list in India have also to be construed liberally and widely keeping in mind the changing nature of federal requirements.

Further, constitutional interpretation affects several aspects of culture of institutions and life of the people of a nation governed by it. There are several universally accepted principles attached with functioning a democratic constitution such as Rule of Law, Separation of Powers, Natural Justice, Independence of Judiciary etc. in its scheme. The judicial determination of presence of such principles within the ideals of a constitution also demands pragmatic interpretational approach. Therefore, there can be no fixed or rigid rules of interpretation of the Constitution. The course is designed to discuss and classify the theory, practice and trends of interpretation of the Constitution and to identify which may be beneficial for interpreting our Constitution.

## **2. TEACHING METHODOLOGY**

NLUJAA encourages participative learning among students. Students are expected to study the assigned readings in addition to recommended books. Further they are also required to study various decided cases to understand how the law and legal theories as they are taught play out in practice. This is done to develop among students ability to critically analyse and understand what they study. Lecture, group discussion, case study, presentation by students' etc. methods shall be adopted to facilitate learning of this course.

## **3. COURSE LEARNING OUTCOMES**

On completion of the course, the students would be able to:

1. Understand and develop a critical insight into the various methods and ways used in constitutional interpretation and the various contemporary practices relating to it.
2. Apply the knowledge acquired through this course in various constitutional questions and debates.
3. Use tools, techniques, argumentative capabilities discussed in the course in understanding the constitutional laws and principles they are part of.

#### **4. COURSE EVALUATION METHOD**

The course shall be assessed for 200 marks.

The Evaluation scheme would be as follows:

Sl. No.	Marks Distribution	
1	Seminar Paper	60 marks
2	Seminar Paper presentation	30 marks
3	Moot Memorial	50 marks
4	Moot Oral	50 marks
5	Attendance in class	10 marks
	Total	200 marks

#### **5. DETAILED STRUCTURE OF THE COURSE**

##### **MODULE I**

1. Constitutional Interpretation: Need and Theories and Relevance
2. Textual Interpretation
3. Liberal Interpretation
4. Role of Precedent — Stare Decisis
5. Interpretation of the Constitution as part of Judicial Review
6. Prospective Overruling

##### **MODULE II**

1. Interpretation of Constitutional Principles: India and Abroad
2. Rule of Law
3. Separation of Powers
4. Independence of Judiciary
5. Limited Government
6. Constitutional Morality and Trust
7. Constitutionalism
8. Recent Trends in the Interpretation of Constitutional Principles.

## 6. PRESCRIBED READINGS

1. Constitutional Interpretation: Textual Meaning, Original Intent, and Judicial Review - Keith E. Whittington, University Press of Kansas, Lawrence, 1999.
2. How to Interpret the Constitution - Cass R. Sunstein, Princeton University Press, USA, 2023.
3. Constitutional Interpretation: The Basic Questions - Sotirios A. Barber, Oxford University Press, USA, 2007
4. Commentary on the Constitution of India – Dr D D Basu, Vol. 4 & 5, 8th Edition, Wadha & Company, Nagpur.
5. Constitutional Law of India – H. M. Seervai, 4th Edition, Universal Law Publishing Co Pvt Ltd, Delhi, 1983.
6. Dattar Commentary on the Constitution of India – Arvind P. Dattar, Voll – I, 2nd Edition, Wadhwa & Co. Nagpur, 2007.
7. Indian Constitutional Law – M. P. Jain, 7th Edition, LexisNexis, Gurgaon, 2014 (Reprint).
8. Modern Constitutions – K C Wheare, 2nd Edition, Oxford University Press, London, 1966.
9. The Indian Constitution, Cornerstone of a Nation – Granville Austin, Oxford University Press, London, 1974.
10. The Law and the Constitution – Sir Ivor Jennings, 5th Edition, University of London Press Ltd, London, 1973.
11. The Making and Working of Indian Constitution – Dr Shibani K. Chaube, 1st Edition, National Book Trust, New Delhi, 3rd Reprint 2013.
12. The Working of a Democratic Constitution, Indian Experience – Granville Austin, Oxford University Press, New Delhi, 2003.